UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1992/SR.12
24 November 1992

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-fourth session

SUMMARY RECORD OF THE 12th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 12 August 1992, at 10 a.m.

Chairman: Mr. ALFONSO MARTINEZ

later: Mr. SACHAR

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International peace and security as an essential condition for the enjoyment of human rights, above all the right to life

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GE.92-13158 (E)

The meeting was called to order at 10.30 a.m.

INTERNATIONAL PEACE AND SECURITY AS AN ESSENTIAL CONDITION FOR THE ENJOYMENT OF HUMAN RIGHTS, ABOVE ALL THE RIGHT TO LIFE (agenda item 14) (E/CN.4/Sub.2/1991/32 and Corr.1)

1. Mr. CISSE (Centre for Human Rights), introducing agenda item 14, recalled that the Sub-Commission had decided by its resolution 1985/1 that the item should be entitled "International peace and security as an essential condition for the enjoyment of human rights, above all the right to life" and, by its decision 1985/34 that it would be considered on a biennial basis. In 1989, the Sub-Commission had invited one of its members, Mr. Murlidhar Bhandare, to prepare a working paper on the interrelationship between international peace and the effective materialization of all human rights, particularly the right to life and to development. Mr. Bhandare had presented the working paper at the forty-third session of the Sub-Commission which had decided, by its decision 1991/106, to defer consideration until its forty-fourth session. The Sub-Commission therefore had before it, for its consideration of item 14, that working paper, published in document E/CN.4/Sub.2/1991/32 and Corr.1.

2. Mr. KIRKYACHARIAN (Movement against Racism and for Friendship among Peoples) said that the events currently taking place in the former Yugoslavia caused many human rights advocates to feel remorse because they had not insisted sufficiently that the political leaders should act before it was too late, because it had soon become apparent that rational discussion had become impossible and that the situation would deteriorate. Not only the United Nations and its various organs but also the NGOs and their activitists should accept that it was not enough to say "Nothing is worse than war" or to denounce one or other of the parties involved, but above all that what was needed was to put forward practical and concrete proposals, however limited they might be.

3. The Balkans were not the only region in the world where war, inherently absurd, barred the road to commonsense solutions. In the Gulf region which had been the cradle of civilization and where the prophets of Western monotheism had preached, it was continuing to leave its scars. It was not Saddam Hussein but the people of Iraq who suffered the terrible consequences of the embargo against Iraq. Good sense should dissociate the sanctions against Iraq more clearly from the unjust privations inflicted on the population of that country. One must also hope that the international community would find a policy which would sharply limit sales of arms until they were banned once and for all by universal disarmament. In Israel, the recent elections had revived hopes for a peaceful issue to the Middle East conflict. The announcement of the repeal of the law prohibiting Israelis from meeting members of the PLO was an encouraging sign. The obstacles to coexistence between the two communities continued to be numerous, but they could be removed if the Israeli State admitted the existence of a Palestinian people with a right to an independent life within a safe and recognized State structure, since Palestinians had long abandoned the practice of referring to the "Zionist entity". There was still time to help to build two States since there were also two peoples.

4. With regard to the situation in Karabakh, which was called Artsagh in Armenian, he regretted the slowness of the negotiations to end the conflict. It was true that the Azeri party denied the obvious, namely, the Armenian character of that region, and all would find it easy to understand that the Baku and Sumgait massacres had left deep scars in the consciousness of Armenians. No effort should be spared to put an end to the hatred and the desire for revenge and to bring about an understanding between partners for whom coexistence was an inevitability. The Russian State, as the heir to the Soviet State, should assume special responsibility in the peace process for a land which had already suffered enough. It was worth while to recall that 200 years earlier Kant had linked the idea of moral progress to that of political enlightenment and peace among nations, thus clearly establishing the parameters of the current problem.

5. Mr. BANDIER (International Association of Educators for World Peace) said that he deeply regretted that all the efforts deployed to put an end to certain problems were sometimes neutralized by the obstructive behaviour of Governments which saw themselves as the champions of democracy and of the defence of human rights and which, while claiming to work for international peace and security, nevertheless continued deliberately to infringe the principles set forth in the Universal Declaration of Human Rights and in all other related international instruments. If there was a genuine will to achieve a fairer, more human and more balanced, and therefore better world, certain concepts needed to be thought out again and a number of structures at the international level changed drastically. Not a day went by without events that bore the germs of discord and even conflict which might well spread revived fears of many peoples that their hopes would be destroyed. The situation was particularly serious and disquieting since the world population would reach 6 billion at the end of the twentieth century, in other words in the very near future. The world and mankind as a whole were seriously ill; they suffered not just from a physical infirmity which had been discussed at length at the Rio Summit but also from the effects of a moral and spiritual pollution that was still more harmful and destructive than atmospheric pollution. One should not allow oneself to be deluded by the optimism voiced by a number of international strategists and leaders because it was a fact that the survival of man was threatened. It was therefore important to work unremittingly for the preservation of a right that had priority, because it was natural and based on human, traditional and fundamental values, namely the right to life from which all other rights stemmed.

6. The preservation of the right to life also meant the survival of mankind but that would be possible only when all human beings, without any distinction based on race, colour, belief, sex, origin, culture or social situation, could have access to a fair division of the wealth of the planet and when the various forms of inequality, human and social, all disappeared. If that was to come about, each person must be able to exercise the rights recognized to him by various international instruments which, if they were properly applied, would secure the well-being of all, in all spheres and on all continents. Respect for those rights would guarantee peace in the world, as there could not be peace without social justice and without freedom. One must therefore strive, using all the means available, to eliminate the flagrant contradictions that still existed between the spirit and the letter of the international human rights instruments and the situation as it was in order to

guarantee universal and effective implementation of all the principles they established; a start might be made by urging all States to respect them as they had the obligation to do. It was important to awaken to the concept of duty which went hand in hand with that of right and it was therefore imperative that the duties of each individual vis-à-vis society should be defined clearly and precisely in an additional protocol. Education had an important role to play in that sphere because children and young people were the future of the world. It was obvious that peace could not prevail as long as men disregarded their duties vis-à-vis others and society in general. Solutions had to be found to end hunger, suffering, injustice, inequality, hatred, terror, discrimination and the humiliations endured by so many human beings throughout the world and a climate of comprehension had to be established which would make possible a resolute universal conviviality among men, peoples and ultimately nations.

7. Mr. Sachar took the Chair.

8. Mr. van WALT (Pax Christi International) said that the interrelatedness of respect for human rights and the maintenance of international peace and security had been clear from the time when the Sub-Commission had decided, by its decision 4 (XXXIV) of 10 September 1981, to include for the first time on its agenda the item entitled "The effects of gross violations of human rights on international peace and security". The conflict in the former Yugoslavia and some parts of the former Soviet Union were cases in point. In the present context, the Sub-Commission should concern itself mainly with situations of imminent conflict before they occurred. For instance, in Kosovo, the Serbian authorities had openly admitted to pursuing a policy of ethnic cleansing of the non-Serb population, which was 90 per cent Albanian, and which had been victims of discrimination for years: that policy might well lead to massacres, war and unprecedented human rights abuses. In Abkhazia, rising political tension between the nationalistic Georgian authorities and the Abkhaz Government could develop into full-scale war as it had done in South Ossetia. The problem was essentially a political one, concerning the distribution of authority and could therefore be resolved through negotiation if the international community made an effort to persuade the parties to negotiate. In Bougainville, the situation had deteriorated to the point where the right to life of the population was no longer guaranteed since the Government of Papua New Guinea had put the island under blockade and effectively prevented essential supplies, including medical supplies, from reaching the people. Finally, in the Philippines, multiple violations of human rights of the indigenous populations were being committed, on the pretext of safeguarding national security. Those were but a few examples of the many situations that were not being addressed adequately by the international community because they had not reached the front pages of the sensation-seeking press. Governments also feared to be accused of interfering in the internal affairs of other States. Experience had shown, however, that once fighting broke out, international peace and security were affected; open conflict in Kosovo and Abkhazia would invariably involve neighbouring countries, as had the wars in the former Yugoslavia and in South Ossetia. In Bougainville, the conflict had already assumed an international dimension with the shelling of a port in the Solomon Islands by the forces of Papua New Guinea at the beginning of the year.

9. If the United Nations was often unable to detect tensions which might well lead to conflict, it was, in part, because it did not provide the representatives of nations, peoples and minorities whose rights were being disregarded an opportunity of speaking directly without intermediaries in the human rights bodies. It would also be helpful if, during its special session, the Commission on Human Rights extended such a possibility to the peoples affected by the conflict in Yugoslavia. It was before conflicts generated into full-scale war that organs such as the Sub-Commission could have an impact on the responsible decision makers. Action by the Sub-Commission along those lines was therefore essential in the case of Kosovo, Abkhazia and Bougainville.

10. Mr. MATARASSO (International League for the Rights and Liberation of Peoples) said that every situation of armed conflict unquestionably sparked off serious and massive human rights abuses. That did not mean, however, that the right to peace was a human right in the strict sense of the word; it was a right of mankind as a whole. It followed that crimes against peace were crimes that came within the competence of the law of nations, which together with war crimes and crimes against humanity, formed the classical trilogy of international criminal offences specified in article 6 of the Charter of the Nürnberg Tribunal. That had been reaffirmed by the United Nations General Assembly in resolution 95 (I) of 11 December 1946 by which it had affirmed "the principles of international law recognized by the Charter of the Nürnberg Tribunal and the judgement of the Tribunal", as well as in resolution 3314 (XXIX) of 14 December 1974 on the definition of aggression, which stated that "A war of aggression is a crime against international peace". It had to be acknowledged, however, that no action had been taken so far to prosecute and punish the authors of such crimes. From 1946 onward, consideration had in fact been given to the possibility of setting up an international penal tribunal which would have jurisdiction in that regard and which was mentioned in article VI of the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, but that idea had never been taken up. It would therefore be worth while, today, for the Sub-Commission to study the advisability and possibility of setting up an international penal tribunal which, like the International Court of Justice established under the Charter of the United Nations, would be composed of independent judges.

11. Mr. WADLOW (World Federalist Movement) quoted the words of Mr. Bhandhare in his working paper E/CN.4/Sub.2/1991/32 in respect of the complex relationship between international peace and the realization of human rights: "this relationship has now assumed a more dynamic form than at any time since the creation of the United Nations". That statement was illustrated by the recent initiative of the United Nations Secretary-General who, in his report entitled An Agenda for Peace (A/47/277), warned that the peace mission would demand the concerted attention of States, of regional and non-governmental organizations and of all the United Nations system. In his conclusions, the Secretary-General stressed the important role of non-governmental organizations.

12. The non-governmental organizations had already played an important role in early warning fact-finding and, to a lesser degree, in mediation in conflict situations. Unfortunately their efforts had been inadequate. He wished to cite three examples. The first was that of Yugoslavia; his

organization had warned the Commission on Human Rights at its 1991 session of growing tensions among nationalities in that country, but had not been able to convince it to take action. The Commission was about to meet in special session at a time when the question had taken on a dimension and complexity that creative action in February 1991 could have avoided. The second case was that of Nagorny-Karabakh. It had been brought to the attention of the Commission and the Sub-Commission repeatedly, but the region had slid into violence at an ever more rapid rate and it was much more difficult to act now than it would have been at an earlier stage. Finally, there was the case of Myanmar where, although the situation had been studied by special rapporteurs, the situation remained violent and there was a real danger of growing instability as the flow of refugees increased.

13. He hoped that the Sub-Commission would henceforth prove equal to its task. He wished to raise, in particular, the question of the ethnic Russian inhabitants of the Republics of the former USSR. In those newly independent countries, Russians were seen as colonizers, as opportunists and as profiteers. They might at any time be the target of violence and be compelled to flee en masse. If nothing was done to avert that danger, the establishment of democracy and of a liberal economic system in the former Soviet Union would certainly be endangered. Thus, such a complex situation must be kept under review and the advice of the Centre for Human Rights and the non-governmental organizations should be offered.

14. Mrs. MARKS (Women's International League for Peace and Freedom) pointed out that while all sectors of the population were affected in the context of war and conflict, women were most affected. Urging the human rights bodies of the United Nations to act more energetically, she illustrated her remark by a number of examples. She drew attention, first of all, to the ill-treatment, today common knowledge, inflicted on Korean "comfort women" by Japanese soldiers during the Second World War, but she also referred to a situation that was virtually glossed over by the media, namely, that of the thousands of Korean prostitutes who catered to the nearly 40,000 American servicemen based in South Korea and who were exposed to physical and psychological violence by their customers. Turning to the Palestinian women in the occupied territories, she said that they suffered more than men from the closing of schools and universities since they married at a young age before completing their studies and therefore had more difficulty in finding work afterwards. They also found themselves in a particularly difficult situation when the men in the family were put under administrative detention, when a curfew was enforced, when the family was placed under house arrest or when the family house was demolished, since it was they who then had to assure the psychological, moral and material welfare of the family. Returning to the particularly difficult situation of rural indigenous women in Guatemala, she said that they were discriminated against on two accounts: first, as members of indigenous communities and, second, as women. Because of their marginalization, they were among the poorest in the region. She drew attention to the case of widows, victims of military activity in Guatemala, who had begun to organize themselves in groups such as CONAVIGUA (National Coordination for the Widows of Guatemala) to enable them to participate in public life and to make known their difficulties and suffering; that initiative hase put them in a still more difficult situation since they now received death threats.

15. The Women's International League for Peace and Freedom therefore requested the United Nations human rights bodies, and in particular the Sub-Commission, to recognize that women were affected in special ways by each type of human rights violation and to discuss that aspect of that question under each item on their agenda and to appoint a special rapporteur on women, whose mandate would be to study the human rights status of women, especially in situations of war and conflict, to identify types of human rights violations which affected women only and ways in which women were specifically affected by other types of human rights violations and, finally, to monitor the work of the Sub-Commission and other United Nations human rights bodies and to evaluate the way they took account of questions of relevance to women.

16. Mr. LITTMAN (International Fellowship of Reconciliation), referring to the question of the proliferation of chemical and bacteriological weapons, expressed surprise at the shelving of draft resolution E/CN.4/Sub.2/1991/L.2 on that subject, discussion of which the Sub-Commission had decided to postpone. He recalled that at the fortieth session, he had deplored the indifference of the international community to the intensive use of chemical weapons by Iraq against enemy soldiers and against its own Kurdish civilian population. Each year, since then he had provided further information on the chemical warfare programmes of Iran, Iraq, Syria and Libya, which had enjoyed the assistance of firms, mostly German, but also American, British, French, Italian, Austrian and Swiss. He stressed that the United Nations had not published certain of that information, because it was too politically "sensitive" and considered that the United States initiative evoking the possibility of creating an international tribunal to judge those who committed acts of genocide and torture would have been more credible if it had been taken before 2 August 1990. He recalled that in 1990 he had suggested that consideration should be given to appointing a special rapporteur to list those companies which traded in poison gas and those States which were unwilling to intervene when their nationals engaged in that trade. The following year, in the midst of the Gulf war, he had reiterated his appeal and drawn attention to the report by the Simon Wiesenthal Centre entitled The Poison Gas Connection. The report had been prepared by Mr. Kenneth Timmerman who had since also published a book entitled The Death Lobby, and very recently a report in which he revealed that the proliferation of weapons of mass destruction was not for tomorrow but for today and proposed the creation of an international proliferation control agency. The International Fellowship of Reconciliation was ready to transmit that report to the Secretary-General of the United Nations. He suggested that it should be studied by the sponsors of the draft resolution left pending at the Sub-Commission's previous session and requested the Sub-Commission to resume consideration of E/CN.4/Sub.2/1991/L.2 with a view to its adoption.

17. Mr. DAWALIBI (Observer for the Syrian Arab Republic), speaking in exercise of the right of reply, pointed out that the representative of the International Fellowship of Reconciliation who had protested against the presence of chemical weapons in Syria was known for the lack of objectivity of his statements. All were aware that Syria advocated the elimination of weapons of mass destruction in the Middle East. The representative of the International Fellowship of Reconciliation had not mentioned the nuclear weapon in the position of Israel which constituted a threat to peace and

security in that region of the world. He believed that the agenda item under consideration should deal with obstacles to peace, including instances of foreign occupation.

18. Mrs. MBONU recalled that the relationship between human rights, particularly economic and social rights, and the maintenance of international peace and security had always been recognized by the international community. Indeed, if respect for human rights was conducive to the promotion of peace, the enjoyment of those rights was strongly jeopardized when peace did not prevail. Thus, apartheid, with its concomitant of racial discrimination, genocide, colonialism, famine, etc., engendered large-scale violations of human rights which threatened international peace and security. The inequality in the exercise of human rights, in whatever area, should therefore be a matter of fundamental concern, from the viewpoint of international security.

19. In his working paper, Mr. Bhandare had rightly stressed the complex relationship between international peace and the realization of human rights. The end of the cold war had ended the ideological conflict between West and East on whether primacy should be given to the maintenance of international peace and security, considered by some as an essential precondition for the enjoyment of human rights, or whether the safeguarding of human rights and fundamental freedoms was a prerequisite for the maintenance of international peace and security. In fact those two elements were totally indissociable: problems caused by economic disparities could give rise to social tension which was further exacerbated by State intervention and which could degenerate to the point of threatening peace and security at home and abroad. Respect for human rights in their entirety was therefore necessary for national and international peace. Thus, when the right to development was disregarded, as it was in the many countries prostrated under the burden of debt and the stringent financial measures imposed on them, the tensions engendered constituted threats to international peace and security. In conclusion, she said that the United Nations should recognize the linkage between de facto enjoyment, the practical realization of human rights and peace as well as the fact that peace and development were essential for the realization of human rights and the exercise of fundamental freedoms.

20. Mrs. MURCHIE (Indigenous World Association) said two significant anniversaries, the outbreak of the "war to end wars" in 1914 and the forty-seventh anniversary of the bombing of Hiroshima had taken place the previous week and despite the intention, frequently and firmly expressed, of establishing a lasting peace, it seemed peace was still elusive. Only by renouncing war and militarism would it be possible to implement fully the Charter of the United Nations and the Universal Declaration of Human Rights. It was true that disarmament had been a major preoccupation of the League of Nations and then of the United Nations, but the major States which proclaimed themselves to be peace loving nevertheless allowed the manufacture of arms and the sale of arms to oppressive regimes in the third world, yielding to the lobbying of the merchants of death.

21. As a member of an indigenous community and as a woman, she was excluded from taking decisions about the manufacture and trade of arms. As a woman, she belonged to the category most exposed to the harmful consequences of

militarism as well as to the violations that threatened the lives of indigenous peoples. Those peoples were relegated to regions where their rights to traditional resources of land, minerals or water rights were denied. Women were frontline activists in campaigning for the defence of the rights of their incarcerated relatives and in confronting the authorities, seeking information and the release of prisoners. One such association was CONAVIGUA (National Coordination for the Widows of Guatemala) composed largely of indigenous widows. As a result of their activities, they had been threatened with torture, rape and even death.

22. To enable the United Nations to combat more actively the violations perpetrated against women because of their gender, the Indigenous World Association unreservedly supported the recommendation made early by the Women's International League for Peace and Freedom.

23. Mr. BALIAN (Human Rights Advocates) expressed concern about the human rights situation in the countries of the former Soviet Union, where there were proliferating and increasingly violent nationality conflicts, shortcomings in the democratic institutions responsible for guaranteeing the protection of human rights and fundamental freedoms in the new States, and the existence of critical environmental problems and disastrous social and economic conditions reminiscent of the conditions which had brought about the 1917 Revolution. While those new States had primary responsible for settling those problems, the international community could, however, play a constructive role in helping them to overcome their difficulties, including finding a peaceful solution to the conflicts between various nationalities. Most of those conflicts were the result of the arbitrarily determined borders of administrative and political subdivisions in the former Soviet Union and gross violations of human rights.

24. A case in point was Nagorny-Karabakh, whose Armenian population had been appealing in vain for the past four or five years for help from the international community. Predictably, the Armenians of Nagorny-Karabakh, left to face the brutality of the former Soviet Union and the violence of Azerbaijan, had been compelled to take up arms in order to protect their legitimate right to exist as a people on their territory. Their legitimate act of self-defence had served as a pretext for Azerbaijan to unleash further massacres and to deport from their ancestral villages peoples who questioned the legitimacy of a State which could not protect its minorities. Completely isolated, the people of Nagorny-Karabakh had declared their independence and the conflict between Nagorny-Karabakh and Azerbaijan had developed into a full-scale war with numerous civilian casualties on both sides.

25. The international community's mediation effort had been welcomed by the Republic of Nagorny-Karabakh but had failed because of the conflicting geopolitical interests of the regional Powers. Doubting whether the international community was capable or even willing to find an equitable solution to the conflict, the parties had then decided to stake everything on armed struggle, further aggravating the human rights situation in the region. Any successful international mediation effort to restore a lasting peace in Nagorny Karabakh or in other regions affected by similar conflicts must be based on respect for human rights, including the right to self-determination. "Sovereignty and territorial integrity must not be permitted to work against

the principle of self-determination" (A/47/277, para. 19). Further, once a State ceased to represent equitably the interests of all its peoples it "has the duty to refrain from forcible action which deprives the disenfranchised people of their right to self-determination, freedom and independence" (General Assembly resolution 2625 (XXV) adopted on 24 October 1970). Since Azerbaijan had ceased to represent the interests of its Armenian minority, the Armenians of Nagorny-Karabakh were entitled to exercise their right to self-determination. The threats in the region to the existence of the Armenians and the lack of confidence between Armenians and Azeris precluded half measures such as "cultural autonomy" or "autonomy with international guarantees" which might have been a viable solution had the international community been able to intervene earlier.

26. The United Nations human rights bodies, including the Sub-Commission, should, as the Secretary-General had stated in his An Agenda for Peace (A/47/277), "seek to identify at the earliest possible stage situations that could produce conflict, and to try through diplomacy to remove the sources of danger before violence results".

27. Mr. EIDE said that if the Sub-Commission decided to undertake the study proposed by Mr. Bhandare in document E/CN.4/Sub.2/1991/32 it needed to redefine the spirit in which it would be conducted. In 1981, when the Sub-Commission had begun to study the interrelationship between human rights and international peace, the cold war had still been on the agenda. Today, instead of exploiting local and regional conflicts to strengthen their positions, the major Powers were endeavouring to cooperate in order to find solutions to them. The gap that had separated political issues and human rights issues was closing. Thus, in a few day's time, the Commission on Human Rights, meeting in special session, would examine a number of issues already discussed in the Security Council in connection with the former Yugoslavia.

28. If peace was to be maintained, the territorial integrity of States, particularly that of the newly independent States that had made up the former Soviet Union and the former Yugoslavia, must be respected. In the latter case, the principle of territorial integrity had not been respected and the world was witnessing a savage process of ethnic purification, whose justification was the theory of ethno-nationalism according to which each ethnic group must have its own State in which minorities had no place. Ethno-nationalism meant the exclusion of minorities or the limitation of their rights. Thus, the majority would grant citizenship as it saw fit. In that connection, he expressed concern at the evolution of legislation on citizenship in Latvia and in Estonia and the consequences that might have on the stability not just of those two countries but of the entire region. In Georgia, President Gamsakhurdia had unfortunately implemented an ethno-nationalist policy and had adopted the slogan "Georgia for the Georgians". Since only 60 per cent of Georgian citizens were ethnic Georgians, that policy made for a large number of excluded persons. Very fortunately, Mr. Shevardnadze was carrying out a different policy: in that way a temporary solution had been found for South Ossetia whose autonomy was guaranteed while respecting the territorial integrity of Georgia.

29. Only a solution of that kind would enable peace to be restored to Nagorny-Karabakh. It should be borne in mind that the will of some 160,000

Armenians of Nagorny-Karabakh to exercise their right to self-determination had led to the displacement and uprooting of at least 500,000 people in Nagorny-Karabakh, Azerbaijan and Armenia. Autonomy must be restored to this region which, however, would continue to be an integral part of the territory of Azerbaijan. So much hatred had built up, however, that the international community should ensure that the Azeris who had lived in Nagorny-Karabakh might return there without encountering discrimination and that suitable protection was guaranteed to the Armenians. With regard to Bosnia, it should be noted that ethnic purification was not practised by the Serbs of Sarajevo but by rural Serbs who could unhesitatingly be described as facists. It should also be noted that the Croats were not spared by ethno-nationalism. The Serbian facists who were attacking Sarajevo with such violence did so because the town was a symbol of possible conviviality among the different Serb, Croat and Muslim communities. In fact, the towns were places where those communities had learned to live together. If the international community did not contribute to the restoration of peace while respecting the territorial integrity of States and human rights, including the rights of minorities, there could well be an extension of the conflicts in Bosnia as well as in Nagorny-Karabakh.

30. Mr. BOUTKEVITCH said that any organized society was composed of three main elements, namely man, people, and State; their respective essential legal attributions were the right to life, the right to self-determination and sovereignty. Primacy must be given to the right to life without losing sight of the fact that man could develop fully within society. States, unfortunately, seemed to relegate human rights to a position of secondary importance, attaching scant importance to the right to life. Happily, the international community was coming round to the view that the defence of the right to life did not constitute a violation of the sovereignty of the State in which that right was flouted. Ways and means had to be found of protecting the right to life by exerting pressure on States, groups and individuals who cause conflicts. The international organizations should combine their efforts and States should increase their cooperation to develop machinery for the protection of that supreme right.

31. Mr. AKTAN (Observer for Turkey) congratulated Mr. Eide on his statement with which he was virtually in total agreement. His Government was endeavouring to promote the rights of ethnic minorities along the lines indicated by Mr. Eide. International peace and security were regarded by the United Nations human rights system as an essential condition for the enjoyment of human rights and freedoms. That statement gave the deceptive impression that, at times when international peace and security broke down, although their fundamental rights were impaired the peoples who were affected went on living as usual. The situation in Bosnia and Herzegovina was a case in point and the Sub-Commission had an obligation to consider it. He did not think it necessary to dwell on the human suffering occurring in that region and on those who were responsible for it, since everyone knew all too well who they were. Instead, he would concentrate on the implications in the short or long term of those events on the new international economic order. He wished to stress, in particular, that without a domestic and international political order there could be no justice, no development and no human rights. No political order was perfect, since every order reflected the imperfections of

the life of society, and the human condition. But the breakdown of order is more terrible still since it engendered anarchy.

32. In Bosnia and Herzegovina, the fate of the international order was at stake. One kind of international order had died with the collapse of communism; the new order, scarcely emergent, already seemed to be condemned. It was important that it should be established and that the international community should mobilize itself, which it seemed to find difficult when principles conflicted with particular interests. Everyone was aware that the aggression in Bosnia must be stopped without, however, managing to do so. Such a situation meant a victory for aggression and a defeat for the international community. He considered the maintenance of the order to be of primary importance and impotence to be more deadly than excesses of power. If one refrained from intervening, on the pretext of the difficulty of the enterprise, the aggressor would always have his own way. After Croatia, it would be the turn of Kosovo and Macedonia, where intervention would be as complicated as in Bosnia.

33. Referring to the destiny of Europe, he said that it was paralysed by the tensions created within it by the juxtaposition of immense power and extreme weakness. It was unaware that a second-best scenario was suicidal. The concern shown by Europe in the problems of other continents was, in his view, a way of avoiding confronting the emblematic question of Bosnia, while cease-fire after cease-fire was violated. To refrain from taking action or to seek to limit intervention to humanitarian aid to the victims was to confer legitimacy on the aggressor. It amounted to that when one asked his permission to enter the camps to see that the inmates were well treated instead of challenging his right to open those camps and demanding that he should close them immediately.

34. The Security Council envisaged the use of force only to be able to distribute humanitarian aid. However, the situation called for very different solutions and the use of force only in order to distribute humanitarian aid amounted to acquiescing in the dismemberment of Bosnia and Herzegovina in the name of ethnic purity with all its disastrous consequences. It was not just the new international order that was in peril but also the universal character of Western civilization. The ethnic cleansing in Bosnia was paving the way for religious cleansing throughout Europe, starting in Macedonia and Kosovo. It was not power nor influence that made for a universal civilization, but true pluralism which accommodated ethnic and religious diversity. An increasingly parochial civilization would merely establish an order, but an order in which democracy and human rights would be concepts devoid of meaning could only be maintained by force. Amid the sound and fury, a lament arose from the ruins of Sarajevo while the new international order agonized and the values of the Renaissance and the Enlightenment faded from the memory of those who were free but lacking in courage.

35. Mr. BIJEDIC (Observer for Bosnia and Herzegovina) said that he wished to inform the Sub-Commission of the multiple and gross violations of human rights being perpetrated in the Republic of Bosnia and Herzegovina and to warn against the consequences of that situation as far as peace and security in the region were concerned. He wished, first of all, to protest against the simplification of the situation as well as the prejudice which was very

prevalent in the West; how was it possible to ascribe part of the blame on the victims of aggression planned in advance by the Presidency of Yugoslavia, the Yugoslav People's Army and the leadership of the Serbian Democratic Party of Bosnia and Herzegovina? Behind that aggression were the Governments of Serbia and Montenegro, which now constituted the so-called Federal Republic of Yugoslavia. The Yugoslav People's Army, with its 100,000 soldiers, 400 tanks, 80 aircraft and very large amounts of heavy arms, together with the terrorist wing of the Serbian Democratic Party and the assistance of fascistic Serbian and Montenegrin volunteers, was occupying the territory of Bosnia and Herzegovina and terrorizing the population.

36. There was no doubt about the existence of a plan of aggression against Bosnia and Herzegovina, as well as against Croatia. At the time when Bosnia and Herzegovina had proclaimed its independence Mr. Karadzic, a leader of the Serbian Democratic Party had warned the new Republic that there was a real prospect that the Muslims would disappear. Since then, 50,000 people had been killed, of whom more than 80 per cent had been civilians and 10 per cent children; hundreds of thousands had been injured and tens of thousands had disappeared. Most of the deaths had so far been due to heavy artillery attacks, but more and more people were now dying of starvation. Almost all the towns of the Republic, once the embodiment of peaceful coexistence and tolerance, had become places of desolation. More than 1.5 million people had been made homeless, after being expelled, deported and penned up in internment camps. More than 100 camps had been opened mostly for civilians. Tens of thousands of corpses had also been transported far from the places of execution in an attempt to conceal the truth about the atrocities. The situation in Bosnia and Herzegovina was also an unprecedented example in history of cultural genocide and political totalitarianism.

37. By way of example, he spoke of the town where he had been born, Mostar; after 90 days of bombing and shelling, 90 per cent of the town had been destroyed, including 17 mosques, the Catholic cathedral, 3 monasteries and a sixteenth century library. Ninety per cent of schools had been destroyed as well as eight of the town's nine bridges. Mostar, which had had a population of 126,000 now had only 30,000, who had been joined by some 25,000 refugees, mostly Muslims from eastern Herzegovina, all of whom had witnessed atrocities. The ethnic cleansing occurring in Bosnia, pursued by the present leaders of Serbia, was contrary to the real and great values of the Serbian people. He considered that the events in his country constituted a violation of article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide and he compared the discretion surrounding the question to the silence in which so many atrocities had been committed during the Second World War. He paid a tribute to the journalists who had shown courage, including Mr. Leslie Gelb of the International Herald Tribune, who had not hesitated to say that while politicians in the West spoke of the horror of the camps, they did very little to put an end to what Mr. Jacques Delors might call a "strategy of death". Finally, he warned against the very real danger of "Palestinization" of the Muslims in the region, if those who were in a position to intervene failed to do so.

38. Mr. MOLLA-ZADE (Observer for Azerbaijan), speaking in exercise of the right of reply, said that he was proud to represent his country at the current session of the Sub-Commission, where for the first time the Azeri people had a

voice. In recent years, under the umbrella of human rights organizations and non-governmental organizations, the Armenian diaspora had been reporting on the situation in Armenia and Azerbaijan, but in an unduly biased way. The violations of human rights occurring in Transcaucasia were in effect the consequence of the aggression perpetrated by Armenia against Azerbaijan. When Armenians referred to violations of human rights, they spoke solely of those violations of which they were victims and never those of which they were guilty. At the end of November 1988, Armenia had been the scene of terrible violence: in a single week, more than 165,000 Azeris had been deported and some 159 people massacred, mostly in Gukark district. On 1 December 1989, the Supreme Soviet of Armenia had adopted a resolution on the unification of Nagorny-Karabakh with Armenia, in flagrant violation of the territorial integrity of Azerbaijan. Since that time, the Armenians had constantly attacked Azeri villages from their territory. With the collapse of the Soviet Union, the Armenians had opted for a military solution and ethnic cleansing, expelling the Azeri population from Nagorny-Karabakh. In January and February 1992, the Armenian national army had attacked Azeri villages, killing civilians, destroying houses and taking hostages. In the town of Khojoly alone, about 1,000 civilians had been killed. Yet, Armenia continued to deny the presence of its troops in Nagorny-Karabakh and tried to convince the international community that it was in no way infringing the territorial integrity of Azerbaijan and still less international law. Since the beginning of 1992, several fact-finding missions from CSCE and the United Nations had visited the region. On 27 and 28 February 1992, the first CSCE mission had presented its report to the Committee of Senior Officials of the CSCE, recommending a solution based on the principle of inviolability of frontiers and protection of the rights of minorities. While the Azeri authorities indicated acceptance of the idea of granting cultural and local autonomy to the Armenian population of Nagorny-Karabakh, Armenia rejected the recommendations of the Committee of Senior Officials of the CSCE relating to the inviolability of the frontiers between Azerbaijan and Armenia. Armenia considered that the only way of resolving the problem was the proclamation of an independent Nagorny-Karabakh.

39. On behalf of the Azeri Government, he assured the Sub-Commission that Azerbaijan, which desired a peaceful solution to the conflict, was ready to grant cultural and local autonomy to the Armenians living in Nagorny-Karabakh, whose security would be guaranteed.

The meeting rose at 1.05 p.m.

Editor's note. The statement by Ms. Smith (Four Directions Council) on agenda item 6 appears in the summary record of the 14th meeting which covers that item.